

WC 05-61

Please Date Stamp & Return

SWIDLER BERLIN LLP

FCC/MILLON

FEB 11 2005

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Washington, D.C. 20007-5116  
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February 11, 2005

VIA COURIER

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Wireline Competition Bureau – CPD – 214 Appls.  
P.O. Box 358145  
Pittsburgh, PA 15251-5145

Re: Application of Tel West Network Services Corporation, ICG Telecom Group, Inc. and  
ICG ChoiceCom, L.P. For Section 214 Authority to Transfer Assets of an Authorized  
International and Domestic Carrier

Dear Ms. Dortch:

On behalf of Tel West Network Services Corporation ("Buyer"), ICG Telecom Group, Inc. ("ICG") and ICG ChoiceCom, L.P. ("ChoiceCom," together with Buyer and ICG, the "Applicants"), enclosed please find an original and six (6) copies of an application for Section 214 authority to transfer assets of an authorized international and domestic carrier.

Also enclosed is a completed Fee Remittance Form 159 and a check in the amount of \$895.00 which satisfies the filing fee required for this Application.

Pursuant to Section 63.04(b) of the Commission's rules, Applicants submit this filing as a combined international section 214 asset transfer application and domestic section 214 asset transfer application ("Combined Application"). Applicants have filed the Combined Application with the International Bureau through the MyIBFS Filing System.

Please direct any questions regarding this filing to the undersigned.

Respectfully submitted,



Tamar E. Finn

Kathleen Greenan Ramsey

Brian McDermott

Counsel for Applicants

Enclosure

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

(1) LOCKBOX #  358145		SPECIAL USE ONLY	
		FCC USE ONLY	
<b>SECTION A - PAYER INFORMATION</b>			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) ICG Telecom Group, Inc.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$895.00	
(4) STREET ADDRESS LINE NO. 1 c/o Swidler Berlin LLP			
(5) STREET ADDRESS LINE NO. 2 3000 K Street, N.W. Suite 300			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20007
(9) DAYTIME TELEPHONE NUMBER (include area code) 202-424-7500		(10) COUNTRY CODE (if not in U.S.A.)	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(11) PAYER (FRN) 0008-1754-73		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME ICG Telecom Group, Inc.			
(14) STREET ADDRESS LINE NO. 1 161 Inverness Drive West			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY Englewood		(17) STATE CO	(18) ZIP CODE 80112
(19) DAYTIME TELEPHONE NUMBER (include area code) (303) 414-5000		(20) COUNTRY CODE (if not in U.S.A.)	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(21) APPLICANT (FRN) 0008-1754-73		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CUT	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$895.00	(27A) TOTAL FEE \$895.00	FCC USE ONLY	
(28A) FCC CODE 1		(29A) FCC CODE 2	
(23b) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
<b>SECTION D - CERTIFICATION</b>			
<b>CERTIFICATION STATEMENT</b>			
I, <u>M. Renee Britt</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>M. Renee Britt</u>		DATE <u>02/12/2005</u>	
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described.			
SIGNATURE _____		DATE _____	

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of the Application of	)	
	)	
	)	
<b>TEL WEST NETWORK SERVICES</b>	)	
<b>CORPORATION,</b>	)	
	)	File No. ITC-T/C-2005 _____
<b>ICG TELECOM GROUP, INC.,</b>	)	
	)	WC Docket No. 05- _____
And	)	
	)	
<b>ICG CHOICECOM, L.P</b>	)	
	)	
For Grant of Authority Pursuant to	)	
Section 214 of the Communications Act of	)	
of 1934 and Sections 63.04, 16.18 and 63.24 of the	)	
Commission's Rules for Global Resold and	)	
Facilities-Based Operating Authority and to	)	
Complete a Transfer of Assets of	)	
Authorized International and Domestic	)	
Interstate Carrier	)	
	)	

**JOINT APPLICATION**

**I. INTRODUCTION**

**A. Summary of Transaction**

Tel West Network Services Corporation ("Buyer"), ICG Telecom Group, Inc. ("ICG") and ICG ChoiceCom, L.P. ("ChoiceCom," together with Buyer and ICG, the "Applicants"), pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C.A. § 214, and Sections 63.04, 63.18 and 63.24 of the Commission's Rules, 47 C.F.R. §§ 63.04, 63.18 & 63.24, respectfully request authority to complete a transaction whereby Buyer will acquire certain assets, including certain customer accounts from ICG/ChoiceCom. In particular, Applicants request that:

- (1) the Commission authorize ICG and ChoiceCom to convey certain operating assets to Buyer, and,
- (2) the Commission grant Buyer Global Resold and Facilities-Based international authority pursuant to Section 214 of the Communications Act.<sup>1</sup>

As described below, because the transactions will not change the rates, terms or conditions of the services being received by customers, the proposed transactions will be entirely transparent to customers of ICG/ChoiceCom in terms of the services that those customers receive.

Applicants file this Application in connection with an Asset Purchase Agreement entered into as of January 14, 2005 ("Agreement") between ICG Communications, Inc. ("ICG Parent") and Buyer. Through the Agreement, ICG Parent has agreed to sell to Buyer, a newly created operating company, substantially all of the assets of ICG's Texas operating subsidiary, ChoiceCom. Following that transaction, substantially all of ICG/ChoiceCom's current Texas base will be transferred to Buyer who will become the service provider for those customers.

#### **B. Request for Expedited Consideration**

Immediately following the proposed transaction, customers of ICG/ChoiceCom will continue to receive services under the same rates, terms and conditions as those services are presently provided. The proposed transaction is part of ICG's on-going efforts to restructure its business operations and reorient its strategic focus in order to ensure that the ICG operating companies remain financially secure and that ICG customers continue to receive high quality telecommunications services. In connection with that process, Applicants urgently need to complete the proposed transaction described below. Accordingly, Applicants respectfully

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<sup>1</sup> It is Applicants' understanding that Global blanket international Section 214 authority will automatically attach to Buyer upon Buyer's initiation of service. To the extent required, however, Applicants request that such authority also be granted in connection with this Application.

request that the Commission approve this Application as expeditiously as possible in order to allow Applicants to consummate the proposed transaction as soon as possible.

**C. Application Eligible for Streamlined Processing**

Applicants respectfully submit that this Application is eligible for streamlined processing pursuant to Sections 63.03 and 63.12 of the Commission's Rules, 47 C.F.R. §§ 63.03 & 63.12. With respect to domestic authority, this Application is eligible for streamlined processing pursuant to Section 63.03(b)(2)(i) because, immediately following the transactions, (1) Applicants and their affiliates (as defined in Section 3(1) of the Communications Act – "Affiliates") combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) Applicants and their Affiliates will provide local exchange service only in areas served by dominant local exchange carriers (none of which are parties to the proposed transactions) and; (3) none of the Applicants or their Affiliates is dominant with respect to any service. With respect to international authority, this Application is eligible for streamlined processing pursuant to Section 63.12(a)-(b) of the Commission's Rules, 47 C.F.R. §63.12(a)-(b). In particular, Section 63.12(c)(1) is inapplicable because none of the Applicants is affiliated with any foreign carriers and none of the scenarios outlined in Section 63.12(c) of the Commission's Rules, 47 C.F.R. § 63.12(c), applies.

In support of this Application, Applicants provide the following information:

**II. THE APPLICANTS**

**A) Tel West Network Services Corporation ("Buyer")**

Buyer is a newly formed corporation organized under the laws of the State of Washington with principal place of business located at 3701 S. Norfolk Street, Suite 300, Seattle, Washington 98118. Buyer is wholly owned by Jeff Swickard, an individual who can be reached at Buyer's principal place of business.

Buyer has the managerial, technical and financial talents necessary to acquire and operate the assets and serve the customers. Mr. Swickard, the President of Buyer, also owns Tel West Communications, LLC ("Tel West"), a Seattle, Washington company, that provides telecommunications services to residential and small and medium sized business customers. Specifically, Tel West offers basic dial tone with vertical features, private line, data, and Internet access and is authorized to provide telecommunications services in Alabama, Arizona, California, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Mississippi, Montana, New Jersey, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming. Although Buyer and Tel West are not affiliated companies, key personnel and management of Tel West will bring their expertise and experience to Buyer. Attached as Exhibit A are biographies of the key personnel.

Tel West has agreed to loan Buyer up to \$1,000,000 for a period of at least twelve months to finance start-up operations of Buyer. Mr. Swickard, the sole owners of Buyer, may also provide financial support to Buyer.

**B) ICG Telecom Group, Inc./ICG ChoiceCom, L.P. ("ICG/ChoiceCom")**

ICG Communications, Inc. ("ICG Parent") is the ultimate holding company of the ICG companies, including ICG and ChoiceCom. ICG Parent, through its operating subsidiaries, provides communications and information services over a nationwide fiber-optic data and voice network. ICG Parent is a Delaware corporation with its principal offices located at 161 Inverness Drive West, Englewood, Colorado 80112.

The ICG companies, including ICG and ChoiceCom, offer a range of resold and facilities-based services, including service over a managed fiber-optic network with numerous points of presence nationwide, including coverage of over 4000 rate centers. ICG's service

offerings include local and long distance telecommunications services, data services, information services, and other communications solutions. ICG services are primarily offered to medium to large-sized businesses, Internet service providers ("ISPs"), interexchange carriers, and other telecommunications carriers.

ICG's services are provided through the ICG operating companies, including ICG and ChoiceCom. ICG is a Colorado corporation with headquarters located at 161 Inverness Drive West, Englewood, Colorado 80112. ICG holds international resold and facilities-based Section 214 authority, as well as domestic blanket Section 214 authority (*see* File No. ITC-214-19980508-00305; Old File No. ITC-98-347). In addition to its international and interstate operations, ICG is also authorized to provide local and/or intrastate long distance services in every state except Texas, Virginia and Alaska. In Virginia, ICG provides service through ICG Telecom Group of Virginia, Inc. ("ICG-Virginia").

In Texas, ICG provides service through ChoiceCom. ChoiceCom is a Delaware limited partnership with principal place of business located at 161 Inverness Drive West, Englewood, Colorado 80112. ChoiceCom is owned in approximately equal parts by ICG and ICG Equipment Inc., the latter of which is a wholly-owned direct subsidiary of ICG Parent. ChoiceCom is a provider of domestic interstate services which holds authority to provide local exchange and intrastate interexchange telecommunications services in Texas.

### **III. DESCRIPTION OF THE TRANSACTIONS**

Applicants propose to complete a Transaction ("Transaction") whereby Buyer will acquire substantially all of the assets and customer base of ChoiceCom. In connection with that Transaction, Buyer will initiate service as an interstate and international carrier and will be responsible for providing service to ICG/ChoiceCom's Texas customers transferred in connection

with the Transaction.<sup>2</sup> In order to effectuate the proposed Transaction, Buyer and ICG Parent have entered into an Asset Purchase Agreement ("Agreement").<sup>3</sup>

Applicants emphasize that although the proposed Transaction will involve a transfer of customers, immediately following the proposed Transaction, those customers will continue to receive service from Buyer under the same rates, terms and conditions as the services currently provided. As a result, the proposed Transactions will be entirely transparent to customers served by ICG/ChoiceCom in terms of the services that they receive. All of the affected customers will receive notice in compliance with the Commission's rules.<sup>4</sup> Moreover, because Buyer is acquiring substantially all of the assets of ChoiceCom, Buyer will have all of the assets required to continue to provide high quality services to the customers it acquires.

Although Buyer is a newly formed entity, Buyer is well qualified to provide service to ChoiceCom's customers. As explained above, Mr. Swickard, the President of Buyer, also owns Tel West, a Seattle, Washington company, that provides telecommunications services to residential and small and medium sized business customers. Specifically, Tel West offers basic dial tone with vertical features, private line, data, and Internet access and is authorized to provide telecommunications services in Alabama, Arizona, California, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Mississippi, Montana, New Jersey, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming. Although Buyer and Tel West are not affiliated companies, key personnel and management of Tel West will bring their

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<sup>2</sup> Although virtually all of ChoiceCom's customers are being transferred to Buyer, ChoiceCom will continue to provide service to certain ICG nationwide customers and therefore will still operate on a limited basis in Texas. As a result, ICG and ChoiceCom do not seek approval to discontinue interstate or international service.

<sup>3</sup> A copy of the Agreement will be provided upon request.

<sup>4</sup> Buyer will file the required certification of compliance under separate cover.



expertise and experience to Buyer. Attached as Exhibit A are biographies of the key personnel.

Tel West has agreed to loan Buyer up to \$1,000,000 for a period of at least twelve months to finance start-up operations of Buyer. Mr. Swickard, the sole owners of Buyer, may also provide financial support to Buyer.

#### **IV. PUBLIC INTEREST STATEMENT**

The Transactions described above serve the public interest. In particular, the assignment of ICG/ChoiceCom's customer accounts will ensure that those customers continue to receive uninterrupted interstate and international services. At the same time, the proposed Transaction will allow ICG to continue to restructure its operations and allow ICG to continue to implement its business strategies going forward.

The proposed indirect ownership change will not inconvenience, confuse or otherwise harm ICG/ChoiceCom's customers. Indeed, the proposed Transaction will be virtually transparent to customers in terms of the services those customers receive. As set forth above, Buyer is well qualified to continue to provide such services. In sum, the proposed Transaction is expected to enhance competition in the Texas market by introducing Buyer as a viable competitor while at the same time allowing ICG to continue the on-going restructuring of the company's operations.

Given the increasingly competitive nature of the interstate and international telecommunications markets, Applicants are seeking to complete the proposed Transaction as soon as possible in order to ensure that Applicants can rapidly obtain the benefits of the proposed Transaction. Accordingly, Applicants respectfully request that the Commission process, consider and approve this Application as expeditiously as possible.

**V. INFORMATION REQUIRED BY SECTION 63.18 AND 63.24**

Pursuant to Section 63.18 and 63.24 of the Commission's Rules, the Applicants submit the following information in support of this Application:

**(a) Name, address and telephone number of each Applicant:**

Buyer:

Tel West Network Services Corporation  
3701 S. Norfolk Street  
Suite 300  
Seattle, WA 98118  
Telephone: (206) 933-1119

ICG:

ICG Telecom Group, Inc.  
161 Inverness Drive West  
Englewood, Colorado 80112  
Telephone: (303) 414-5000

ChoiceCom:

ICG ChoiceCom, L.P.  
161 Inverness Drive West  
Englewood, Colorado 80112  
Telephone: (303) 414-5000

**(b) Jurisdiction of Organizations:**

Buyer:

Buyer is a corporation formed under the laws of the State of Washington.

ICG:

ICG is a corporation formed under the laws of the State of Colorado.

ChoiceCom:

ChoiceCom is a limited partnership formed under the laws of the State of Delaware.

**(c) Correspondence concerning this Application should be sent to:**

Tamar E. Finn  
Kathleen Greenan Ramsey  
Brian M. McDermott  
Swidler Berlin LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007-5116  
(202) 424-7500 (Tel)  
(202) 424-7645 (Fax)  
TEFinn@swidlaw.com (Email)  
KGRamsey@swidlaw.com (Email)  
bmmcdermott@swidlaw.com (Email)

- (d)** ICG Telecom Group, Inc. (formerly known as ICG Access Services, Inc.) ("ICG Telecom") holds international resold and facilities-based Section 214 authority pursuant to authority granted by the Commission in File No. ITC-214-19980508-00305; Old File No. ITC-98-347. ICG Telecom Group, Inc. and ICG ChoiceCom, L.P. each hold blanket domestic interstate Section 214 authority.
- (e)** Applicants seek authority to assign ChoiceCom's customers as described above to Buyer in connection with the Transaction described above. Furthermore, Buyer requires grant of global resold and facilities-based international Section 214 authority under Commission Rule Sections 63.18(e)(1) and 63.18(e)(2) (as well as blanket domestic interstate Section 214 to the extent required) to allow Buyer to continue to provide services to those customers.
- (f)** Not applicable.
- (g)** Not applicable.
- (h)** Following the completion of the proposed Transactions, the following entities will directly or indirectly own 10% or more of Buyer:

The following entities will own or control ten percent (10%) or more of the equity of Tel West Network Services Corporation:

Name:	Jeff Swickard
Address:	c/o Tel West Network Services Corporation 3701 S. Norfolk Street Suite 300 Seattle, WA 98118
Citizenship:	U.S.
Percentage Owned:	100%
Principal Business:	Individual

Tel West Network Services Corporation does not have any interlocking directorates with a foreign carrier.

- (i) Applicants certify that none of Applicants is a foreign carrier or affiliated with a foreign carrier.
- (j) Applicants certify that they do not seek to provide international telecommunications services to any destination country where:
  - (1) An Applicant is a foreign carrier in that country; or
  - (2) An Applicant controls a foreign carrier in that country; or
  - (3) Any entity that owns more than 25 percent of an Applicant, or that controls an Applicant, controls a foreign carrier in that country; or
  - (4) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate more than 25 percent of an Applicant and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.
- (k) Not applicable.
- (l) Not applicable.
- (m) Not applicable.
- (n) Applicants certify that they have not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.
- (o) Applicants certify that they are not subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998. *See* 21 U.S.C. § 853a. *See also* 47 C.F.R. §§ 1.2001-1.2003.
- (p) Applicants respectfully submit that this Application is eligible for streamlined processing pursuant to Section 63.12(a)-(b) of the Commission's Rules, 47 C.F.R. §63.12(a)-(b). In particular, Section 63.12(c)(1) is inapplicable because none of the Applicants are or are affiliated with any foreign carriers and none of the scenarios outlined in Section 63.12(c) of the Commission's Rules, 47 C.F.R. § 63.12(c), apply.

## **VI. INFORMATION REQUIRED BY SECTION 63.04**

In lieu of an attachment, pursuant to Commission Rule 63.04(b), 47 C.F.R. § 63.04(b)

Applicants submit the following information in support of their request for domestic Section 214 authority in order to address the requirements set forth in Commission Rule 63.04(a)(6)-(12):

- (a)(6) A description of the proposed Transactions is set forth in Section III above.
- (a)(7) Buyer is a newly created entity that does not currently provide service in any jurisdiction. Buyer is not affiliated with any other carrier; however, as discussed above, the sole owner of Buyer also owns a telecommunications carrier, Tel West, which is based in Seattle, Washington. Tel West provides telecommunications services in Alabama, Arizona, California, Florida, Georgia, Idaho, Kentucky, Mississippi, Montana, Oklahoma, Oregon, South Carolina, Tennessee, Utah and Washington.

None of the Applicants and their Affiliates are dominant with respect to any service.

- (a)(8) Applicants respectfully submit that this Application is eligible for streamlined processing pursuant to Section 63.03 of the Commission's Rules, 47 C.F.R. §63.03. In particular, with respect to domestic authority, this Application is eligible for streamlined processing pursuant to Section 63.03(b)(2)(i) because, immediately following the Transactions, (1) Applicants and their affiliates (as defined in Section 3(1) of the Communications Act – "Affiliates") combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) Applicants and their Affiliates will provide local exchange service only in areas served by dominant local exchange carriers (none of which are parties to the proposed Transactions) and; (3) none of the Applicants or their Affiliates are dominant with respect to any service.
- (a)(9) Through this Application, Applicants seek authority with respect to both international and domestic Section 214 authorizations (this Application is being separately and concurrently filed with respect to both types of authorities in compliance with Commission Rule 63.04(b), 47 C.F.R. § 63.04(b)). No other applications are being filed with the Commission with respect to this Transaction.

**(a)(10)** Prompt completion of the proposed Transaction is critical to ensuring that Applicants can obtain the benefits described in the foregoing application. Accordingly, Applicants respectfully request that the Commission approve this Application expeditiously in order to allow Applicants to consummate the proposed Transactions as soon as possible.

**(a)(11)** Not applicable.

**(a)(12)** A statement showing how grant of the application will serve the public interest, convenience and necessity is provided in Section IV above.

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## VII. CONCLUSION

For the reasons stated above, Applicants respectfully submit that the public interest, convenience, and necessity would be furthered by a grant of this Application. Indeed, failure to grant it would directly harm the public interest. In light of the exigent circumstances and, in particular the need to ensure continuity of service to existing customers, Applicants respectfully request expedited treatment to permit Applicants to consummate the proposed Transaction as soon as possible.

Respectfully submitted,



Tamar E. Finn  
Kathleen Greenan Ramsey  
Brian M. McDermott  
Swidler Berlin LLP  
3000 K Street, Suite 300  
Washington, DC 20007  
(202) 424-7500 (Tel)  
(202) 424-7645 (Fax)  
TEFinn@swidlaw.com (Email)  
KLGGreenan@swidlaw.com (E-Mail)  
bmmcdermott@swidlaw.com (E-Mail)

Counsel for Applicants

Dated: February 11, 2005

**Exhibit A**



**Tel West Communications, LLC  
Management Team**

Jeffrey K. Swickard: President, 1998 – Present. Co-Founder of Tel West Communications, LLC in 1998. Built Tel West from a start-up reseller in 1998 to a multimillion dollar, multi-state company in less than four years. Previous experience includes account and marketing management positions with U S WEST (now Qwest), AT&T, MCI and Dean Witter. Received a Bachelor of Science Degree from the University of Oregon in 1994 in Business Management Marketing.

James G. Schrank: Controller, 2003 – Present. Educated at Austin State University with a BBA in Accounting and Human Resources Management. Is an Accredited Asset Manager with 20 years accounting and finance experience, focusing on financial reporting and analysis, budgeting and forecasting, revenue cycle management, and strategic planning. Previously managed financial operations at Pacific Medical Center & Clinics, and Equity Corporation International.

Donald O. Taylor: Director – Regulatory & External Affairs, 2004 - Present. Educated at Western Washington State University (BA, 1974) and Washington State University (MA, 1976). Ensures compliance with regulatory requirements of state and federal governments, negotiates interconnection agreements with ILECs, and performs related functions. Has 26 years of telecommunications experience, including management of business and wholesale accounts, development of rates and tariffs, product management, expert testimony before public utility commissions, and three years of independent telecommunications consulting for Tel West and other CLECs.

David Mittle: General Counsel, 2005 – present. Licensed attorney since 1990 and has primarily practiced regulatory law since 1999 when he was an assistant attorney general for the New Mexico Attorney General's Office Division of Water, Environment and Utilities.

Phillip Garcia: Director – Network Operations, 2004 – Present. Plans, establishes and administers the overall policies and goals for the communications network infrastructure in the facilities-based business. 20 years experience in the Telecommunications Industry including Southwest Regional Manager for Winstar Communications, Sr. Manager for Central Office Operations in Seattle, Washington, and Market Operations Manager in Northern California.

Christopher G. Hattasch: Director – Network and Information Services, 1998 -- Present. Expert in creating and managing database and technology solutions. Previous experience includes lead project engineering with the Boeing Company and Allied Signal Aerospace Company. Received a Bachelor of Science Degree from Arizona State University in 1987 in Mechanical and Aerospace Engineering.

## **Verifications**

## VERIFICATION

STATE OF COLORADO


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§

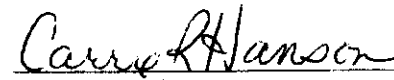
CITY OF ENGLEWOOD

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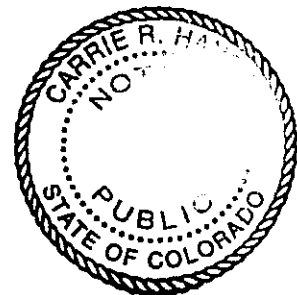
I, Scott E. Beer, being first duly sworn, state under penalty of perjury that I am Vice President and General Counsel of ICG Telecom Group, Inc.; that I am authorized to make this Verification on behalf of ICG Telecom Group, Inc.; that the contents of the foregoing Application are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Scott E. Beer  
Vice President and General Counsel  
ICG Telecom Group, Inc.

SWORN TO AND SUBSCRIBED before me on the 10th day of February, 2005.

  
\_\_\_\_\_  
Carrie R. Hanson  
Notary Public

My commission expires: 8-1-06



My Commission Expires 8/1/2006

## VERIFICATION

STATE OF COLORADO

§

§

CITY OF ENGLEWOOD

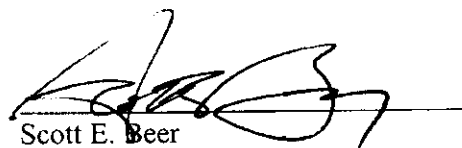
§

I, Scott E. Beer, being first duly sworn, state under penalty of perjury that I am Vice President and General Counsel of ICG Telecom Group, Inc., which is the Managing Member of ICG ChoiceCom Management, LLC, which is the General Partner of ICG ChoiceCom, L.P.; that I am authorized to make this Verification on behalf of ICG ChoiceCom, L.P.; that the contents of the foregoing Application are true and correct to the best of my knowledge, information, and belief.

ICG ChoiceCom, L.P.

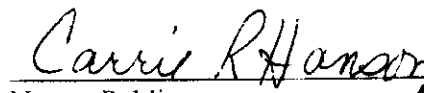
By: ICG ChoiceCom Management, LLC  
its General Partner

By: ICG Telecom Group, Inc.  
its Managing Member

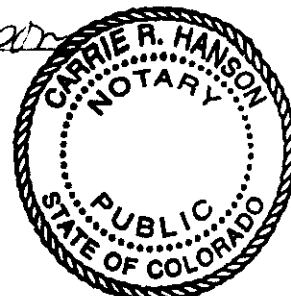


Scott E. Beer  
Vice President and General Counsel  
ICG Telecom Group, Inc.

SWORN TO AND SUBSCRIBED before me on the 10th day of February, 2005.

  
Notary Public

My commission expires: 8-1-06



My Commission Expires 8/1/2008

## VERIFICATION

STATE OF COLORADO

§

§

CITY OF ENGLEWOOD

§

I, Jeff K. Swickard, being first duly sworn, state under penalty of perjury that I am President of Tel West Network Services Corporation; that I am authorized to make this Verification on behalf of Tel West Network Services Corporation; that the contents of the foregoing Application are true and correct to the best of my knowledge, information, and belief.

Jeff K. Swickard

Jeff K. Swickard

President

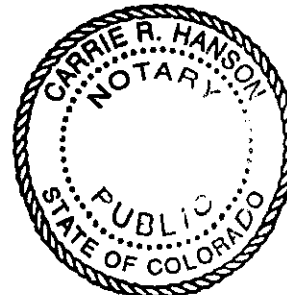
Tel West Network Services Corporation

SWORN TO AND SUBSCRIBED before me on the 10th day of February, 2005.

Carrie R. Hanson

Notary Public

My commission expires: 8-1-06



My Commission Expires 8/1/2006